

“(A) Partial-birth abortion poses serious risks to the health of a woman undergoing the procedure. Those risks include, among other things: An increase in a woman’s risk of suffering from cervical incompetence, a result of cervical dilation making it difficult or impossible for a woman to successfully carry a subsequent pregnancy to term; an increased risk of uterine rupture, abruption, amniotic fluid embolus, and trauma to the uterus as a result of converting the child to a footling breech position, a procedure which, according to a leading obstetrics textbook, ‘there are very few, if any, indications for * * * other than for delivery of a second twin’; and a risk of lacerations and secondary hemorrhaging due to the doctor blindly forcing a sharp instrument into the base of the unborn child’s skull while he or she is lodged in the birth canal, an act which could result in severe bleeding, brings with it the threat of shock, and could ultimately result in maternal death.

“(B) There is no credible medical evidence that partial-birth abortions are safe or are safer than other abortion procedures. No controlled studies of partial-birth abortions have been conducted nor have any comparative studies been conducted to demonstrate its safety and efficacy compared to other abortion methods. Furthermore, there have been no articles published in peer-reviewed journals that establish that partial-birth abortions are superior in any way to established abortion procedures. Indeed, unlike other more commonly used abortion procedures, there are currently no medical schools that provide instruction on abortions that include the instruction in partial-birth abortions in their curriculum.

“(C) A prominent medical association has concluded that partial-birth abortion is ‘not an accepted medical practice’, that it has ‘never been subject to even a minimal amount of the normal medical practice development,’ that ‘the relative advantages and disadvantages of the procedure in specific circumstances remain unknown,’ and that ‘there is no consensus among obstetricians about its use’. The association has further noted that partial-birth abortion is broadly disfavored by both medical experts and the public, is ‘ethically wrong,’ and ‘is never the only appropriate procedure’.

“(D) Neither the plaintiff in *Stenberg v. Carhart*, nor the experts who testified on his behalf, have identified a single circumstance during which a partial-birth abortion was necessary to preserve the health of a woman.

“(E) The physician credited with developing the partial-birth abortion procedure has testified that he has never encountered a situation where a partial-birth abortion was medically necessary to achieve the desired outcome and, thus, is never medically necessary to preserve the health of a woman.

“(F) A ban on the partial-birth abortion procedure will therefore advance the health interests of pregnant women seeking to terminate a pregnancy.

“(G) In light of this overwhelming evidence, Congress and the States have a compelling interest in prohibiting partial-birth abortions. In addition to promoting maternal health, such a prohibition will draw a bright line that clearly distinguishes abortion and infanticide, that preserves the integrity of the medical profession, and promotes respect for human life.

“(H) Based upon *Roe v. Wade*, 410 U.S. 113 (1973) and *Planned Parenthood v. Casey*, 505 U.S. 833 (1992), a governmental interest in protecting the life of a child during the delivery process arises by virtue of the fact that during a partial-birth abortion, labor is induced and the birth process has begun. This distinction was recognized in *Roe* when the Court noted, without comment, that the Texas partition statute, which prohibited one from killing a child ‘in a state of being born and before ac-

tual birth,’ was not under attack. This interest becomes compelling as the child emerges from the maternal body. A child that is completely born is a full, legal person entitled to constitutional protections afforded a ‘person’ under the United States Constitution. Partial-birth abortions involve the killing of a child that is in the process, in fact mere inches away from, becoming a ‘person’. Thus, the government has a heightened interest in protecting the life of the partially-born child.

“(I) This, too, has not gone unnoticed in the medical community, where a prominent medical association has recognized that partial-birth abortions are ‘ethically different from other destructive abortion techniques because the fetus, normally twenty weeks or longer in gestation, is killed outside of the womb’. According to this medical association, the ‘‘partial birth’’ gives the fetus an autonomy which separates it from the right of the woman to choose treatments for her own body’.

“(J) Partial-birth abortion also confuses the medical, legal, and ethical duties of physicians to preserve and promote life, as the physician acts directly against the physical life of a child, whom he or she had just delivered, all but the head, out of the womb, in order to end that life. Partial-birth abortion thus appropriates the terminology and techniques used by obstetricians in the delivery of living children—obstetricians who preserve and protect the life of the mother and the child—and instead uses those techniques to end the life of the partially-born child.

“(K) Thus, by aborting a child in the manner that purposefully seeks to kill the child after he or she has begun the process of birth, partial-birth abortion undermines the public’s perception of the appropriate role of a physician during the delivery process, and perverts a process during which life is brought into the world, in order to destroy a partially-born child.

“(L) The gruesome and inhumane nature of the partial-birth abortion procedure and its disturbing similarity to the killing of a newborn infant promotes a complete disregard for infant human life that can only be countered by a prohibition of the procedure.

“(M) The vast majority of babies killed during partial-birth abortions are alive until the end of the procedure. It is a medical fact, however, that unborn infants at this stage can feel pain when subjected to painful stimuli and that their perception of this pain is even more intense than that of newborn infants and older children when subjected to the same stimuli. Thus, during a partial-birth abortion procedure, the child will fully experience the pain associated with piercing his or her skull and sucking out his or her brain.

“(N) Implicitly approving such a brutal and inhumane procedure by choosing not to prohibit it will further coarsen society to the humanity of not only newborns, but all vulnerable and innocent human life, making it increasingly difficult to protect such life. Thus, Congress has a compelling interest in acting—indeed it must act—to prohibit this inhumane procedure.

“(O) For these reasons, Congress finds that partial-birth abortion is never medically indicated to preserve the health of the mother; is in fact unrecognized as a valid abortion procedure by the mainstream medical community; poses additional health risks to the mother; blurs the line between abortion and infanticide in the killing of a partially-born child just inches from birth; and confuses the role of the physician in childbirth and should, therefore, be banned.”

CHAPTER 75—PASSPORTS AND VISAS

Sec.
1541. Issuance without authority.

- Sec.
1542. False statement in application and use of passport.
1543. Forgery or false use of passport.
1544. Misuse of passport.
1545. Safe conduct violation.
1546. Fraud and misuse of visas, permits, and other documents.
1547. Alternative imprisonment maximum for certain offenses.

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-322, title XIII, §130009(b), Sept. 13, 1994, 108 Stat. 2030, added item 1547.

1986—Pub. L. 99-603, title I, §103(b), Nov. 6, 1986, 100 Stat. 3380, amended item 1546 generally, striking out “entry” before “documents”.

§ 1541. Issuance without authority

Whoever, acting or claiming to act in any office or capacity under the United States, or a State, without lawful authority grants, issues, or verifies any passport or other instrument in the nature of a passport to or for any person whomsoever; or

Whoever, being a consular officer authorized to grant, issue, or verify passports, knowingly and willfully grants, issues, or verifies any such passport to or for any person not owing allegiance, to the United States, whether a citizen or not—

Shall be fined under this title, imprisoned not more than 25 years (if the offense was committed to facilitate an act of international terrorism (as defined in section 2331 of this title)), 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title)), 10 years (in the case of the first or second such offense, if the offense was not committed to facilitate such an act of international terrorism or a drug trafficking crime), or 15 years (in the case of any other offense), or both.

For purposes of this section, the term “State” means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(June 25, 1948, ch. 645, 62 Stat. 771; Pub. L. 103-322, title XIII, §130009(a)(1), title XXXIII, §330016(1)(G), Sept. 13, 1994, 108 Stat. 2030, 2147; Pub. L. 104-208, div. C, title II, §211(a)(2), Sept. 30, 1996, 110 Stat. 3009-569; Pub. L. 104-294, title VI, §607(n), Oct. 11, 1996, 110 Stat. 3512; Pub. L. 107-273, div. B, title IV, §4002(a)(3), Nov. 2, 2002, 116 Stat. 1806.)

HISTORICAL AND REVISION NOTES

Based on section 219 of title 22, U.S.C., 1940 ed., Foreign Relations and Intercourse (R.S. 4078; June 14, 1902, ch. 1088, §3, 32 Stat. 386).

The venue provision, which followed the punishment provisions, was omitted as covered by section 3238 of this title.

Changes were made in phraseology.

Editorial Notes

AMENDMENTS

2002—Pub. L. 107-273 substituted “to facilitate” for “to facility” in third par.

1996—Pub. L. 104-294, §607(n)(1), struck out “or possession” after “or a State” in first par.

Pub. L. 104-294, §607(n)(2), added last par. defining “State” for purposes of this section.

Pub. L. 104-208 substituted “imprisoned not more than 25 years (if the offense was committed to facilitate an act of international terrorism (as defined in section 2331 of this title)), 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title)), 10 years (in the case of the first or second such offense, if the offense was not committed to facilitate such an act of international terrorism or a drug trafficking crime), or 15 years (in the case of any other offense)” for “imprisoned not more than 10 years” in third par.

1994—Pub. L. 103-322, §330016(1)(G), which directed the amendment of this section by substituting “under this title” for “not more than \$500”, could not be executed because the words “not more than \$500” did not appear in text subsequent to amendment by Pub. L. 103-322, §130009(a)(1). See below.

Pub. L. 103-322, §130009(a)(1), substituted “under this title, imprisoned not more than 10 years” for “not more than \$500 or imprisoned not more than one year” in last par.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-208 applicable with respect to offenses occurring on or after Sept. 30, 1996, see section 211(c) of Pub. L. 104-208, set out as a note under section 1028 of this title.

§ 1542. False statement in application and use of passport

Whoever willfully and knowingly makes any false statement in an application for passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws; or

Whoever willfully and knowingly uses or attempts to use, or furnishes to another for use any passport the issue of which was secured in any way by reason of any false statement—

Shall be fined under this title, imprisoned not more than 25 years (if the offense was committed to facilitate an act of international terrorism (as defined in section 2331 of this title)), 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title)), 10 years (in the case of the first or second such offense, if the offense was not committed to facilitate such an act of international terrorism or a drug trafficking crime), or 15 years (in the case of any other offense), or both.

(June 25, 1948, ch. 645, 62 Stat. 771; Pub. L. 103-322, title XIII, §130009(a)(2), title XXXIII, §330016(1)(I), Sept. 13, 1994, 108 Stat. 2030, 2147; Pub. L. 104-208, div. C, title II, §211(a)(2), Sept. 30, 1996, 110 Stat. 3009-569; Pub. L. 107-273, div. B, title IV, §4002(a)(3), Nov. 2, 2002, 116 Stat. 1806.)

HISTORICAL AND REVISION NOTES

Based on section 220 of title 22, U.S.C., 1940 ed., Foreign Relations and Intercourse (June 15, 1917, ch. 30, title IX, §2, 40 Stat. 227; Mar. 28, 1940, ch. 72, §7, 54 Stat. 80).

Mandatory-punishment provision was rephrased in the alternative.

Punishment of five years' imprisonment was substituted for “ten years” to conform with other sections embracing offenses of comparable gravity.

Minor changes were made in phraseology.

Editorial Notes

AMENDMENTS

2002—Pub. L. 107-273 substituted “to facilitate” for “to facility” in last par.

1996—Pub. L. 104-208 substituted “imprisoned not more than 25 years (if the offense was committed to facilitate an act of international terrorism (as defined in section 2331 of this title)), 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title)), 10 years (in the case of the first or second such offense, if the offense was not committed to facility such an act of international terrorism or a drug trafficking crime), or 15 years (in the case of any other offense)” for “imprisoned not more than 10 years” in last par.

1994—Pub. L. 103-322, §330016(1)(I), which directed the amendment of this section by substituting “under this title” for “not more than \$2,000”, could not be executed because the words “not more than \$2,000” did not appear in text subsequent to amendment by Pub. L. 103-322, §130009(a)(2). See below.

Pub. L. 103-322, §130009(a)(2), substituted “under this title, imprisoned not more than 10 years” for “not more than \$2,000 or imprisoned not more than five years” in last par.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-208 applicable with respect to offenses occurring on or after Sept. 30, 1996, see section 211(c) of Pub. L. 104-208, set out as a note under section 1028 of this title.

§ 1543. Forgery or false use of passport

Whoever falsely makes, forges, counterfeits, mutilates, or alters any passport or instrument purporting to be a passport, with intent that the same may be used; or

Whoever willfully and knowingly uses, or attempts to use, or furnishes to another for use any such false, forged, counterfeited, mutilated, or altered passport or instrument purporting to be a passport, or any passport validly issued which has become void by the occurrence of any condition therein prescribed invalidating the same—

Shall be fined under this title, imprisoned not more than 25 years (if the offense was committed to facilitate an act of international terrorism (as defined in section 2331 of this title)), 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title)), 10 years (in the case of the first or second such offense, if the offense was not committed to facilitate such an act of international terrorism or a drug trafficking crime), or 15 years (in the case of any other offense), or both.

(June 25, 1948, ch. 645, 62 Stat. 771; Pub. L. 103-322, title XIII, §130009(a)(2), title XXXIII, §330016(1)(I), Sept. 13, 1994, 108 Stat. 2030, 2147; Pub. L. 104-208, div. C, title II, §211(a)(2), Sept. 30, 1996, 110 Stat. 3009-569; Pub. L. 107-273, div. B, title IV, §4002(a)(3), Nov. 2, 2002, 116 Stat. 1806.)

HISTORICAL AND REVISION NOTES

Based on section 222 of title 22, U.S.C., 1940 ed., Foreign Relations and Intercourse (June 15, 1917, ch. 30, title IX, §4, 40 Stat. 227; Mar. 28, 1940, ch. 72, §7, 54 Stat. 80).

Reference to persons causing or procuring was omitted as unnecessary in view of definition of “principal” in section 2 of this title.

Mandatory-punishment provision with authorization for added fine in discretion of court was rephrased in the alternative.

Punishment of five years’ imprisonment was substituted for “ten years” to conform with other sections embracing offenses of comparable gravity.

Minor changes were made in phraseology.

Editorial Notes

AMENDMENTS

2002—Pub. L. 107-273 substituted “to facilitate” for “to facility” in last par.

1996—Pub. L. 104-208 substituted “imprisoned not more than 25 years (if the offense was committed to facilitate an act of international terrorism (as defined in section 2331 of this title)), 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title)), 10 years (in the case of the first or second such offense, if the offense was not committed to facility such an act of international terrorism or a drug trafficking crime), or 15 years (in the case of any other offense)” for “imprisoned not more than 10 years” in last par.

1994—Pub. L. 103-322, §330016(1)(I), which directed the amendment of this section by substituting “under this title” for “not more than \$2,000”, could not be executed because the words “not more than \$2,000” did not appear in text subsequent to amendment by Pub. L. 103-322, §130009(a)(2). See below.

Pub. L. 103-322, §130009(a)(2), substituted “under this title, imprisoned not more than 10 years” for “not more than \$2,000 or imprisoned not more than five years” in last par.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-208 applicable with respect to offenses occurring on or after Sept. 30, 1996, see section 211(c) of Pub. L. 104-208, set out as a note under section 1028 of this title.

§ 1544. Misuse of passport

Whoever willfully and knowingly uses, or attempts to use, any passport issued or designed for the use of another; or

Whoever willfully and knowingly uses or attempts to use any passport in violation of the conditions or restrictions therein contained, or of the rules prescribed pursuant to the laws regulating the issuance of passports; or

Whoever willfully and knowingly furnishes, disposes of, or delivers a passport to any person, for use by another than the person for whose use it was originally issued and designed—

Shall be fined under this title, imprisoned not more than 25 years (if the offense was committed to facilitate an act of international terrorism (as defined in section 2331 of this title)), 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title)), 10 years (in the case of the first or second such offense, if the offense was not committed to facilitate such an act of international terrorism or a drug trafficking crime), or 15 years (in the case of any other offense), or both.

(June 25, 1948, ch. 645, 62 Stat. 771; Pub. L. 103-322, title XIII, §130009(a)(2), title XXXIII, §330016(1)(I), Sept. 13, 1994, 108 Stat. 2030, 2147;

Pub. L. 104-208, div. C, title II, §211(a)(2), Sept. 30, 1996, 110 Stat. 3009-569; Pub. L. 107-273, div. B, title IV, §4002(a)(3), Nov. 2, 2002, 116 Stat. 1806.)

HISTORICAL AND REVISION NOTES

Based on section 221 of title 22, U.S.C., 1940 ed., Foreign Relations and Intercourse (June 15, 1917, ch. 30, title IX, §3, 40 Stat. 227; Mar. 28, 1940, ch. 72, §7, 54 Stat. 80).

Mandatory-punishment provision rephrased in the alternative.

Punishment of five years' imprisonment was substituted for "ten years" to conform with other sections embracing offenses of comparable gravity.

The phrase "which said rules shall be printed on the passport" was omitted as inconsistent with administrative practice and because the existing rules are too voluminous to be printed on a passport.

Minor changes were made in phraseology.

Editorial Notes

AMENDMENTS

2002—Pub. L. 107-273 substituted "to facilitate" for "to facility" in last par.

1996—Pub. L. 104-208 substituted "imprisoned not more than 25 years (if the offense was committed to facilitate an act of international terrorism (as defined in section 2331 of this title)), 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title)), 10 years (in the case of the first or second such offense, if the offense was not committed to facility such an act of international terrorism or a drug trafficking crime), or 15 years (in the case of any other offense)" for "imprisoned not more than 10 years" in last par.

1994—Pub. L. 103-322, §330016(1)(I), which directed the amendment of this section by substituting "under this title" for "not more than \$2,000", could not be executed because the words "not more than \$2,000" did not appear in text subsequent to amendment by Pub. L. 103-322, §130009(a)(2). See below.

Pub. L. 103-322, §130009(a)(2), substituted "under this title, imprisoned not more than 10 years" for "not more than \$2,000 or imprisoned not more than five years" in last par.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-208 applicable with respect to offenses occurring on or after Sept. 30, 1996, see section 211(c) of Pub. L. 104-208, set out as a note under section 1028 of this title.

§ 1545. Safe conduct violation

Whoever violates any safe conduct or passport duly obtained and issued under authority of the United States shall be fined under this title, imprisoned not more than 10 years, or both.

(June 25, 1948, ch. 645, 62 Stat. 771; Pub. L. 103-322, title XIII, §130009(a)(3), title XXXIII, §330016(1)(I), Sept. 13, 1994, 108 Stat. 2030, 2147.)

HISTORICAL AND REVISION NOTES

Based on section 251 of title 22, U.S.C., 1940 ed., Foreign Relations and Intercourse (R.S. 4062).

The punishment provision was rewritten to permit the alternative of a fine of not more than \$2,000 or imprisonment, or both, instead of imprisonment and fine "at the discretion of the court", to conform with other sections embracing offenses of comparable gravity.

Minor changes were made in phraseology.

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-322, §330016(1)(I), which directed the amendment of this section by substituting "under this

title" for "not more than \$2,000", could not be executed because the words "not more than \$2,000" did not appear in text subsequent to amendment by Pub. L. 103-322, §130009(a)(3). See below.

Pub. L. 103-322, §130009(a)(3), substituted "under this title, imprisoned not more than 10 years" for "not more than \$2,000 or imprisoned not more than three years".

§ 1546. Fraud and misuse of visas, permits, and other documents

(a) Whoever knowingly forges, counterfeits, alters, or falsely makes any immigrant or non-immigrant visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States, or utters, uses, attempts to use, possesses, obtains, accepts, or receives any such visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States, knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained; or

Whoever, except under direction of the Attorney General or the Commissioner of the Immigration and Naturalization Service, or other proper officer, knowingly possesses any blank permit, or engraves, sells, brings into the United States, or has in his control or possession any plate in the likeness of a plate designed for the printing of permits, or makes any print, photograph, or impression in the likeness of any immigrant or nonimmigrant visa, permit or other document required for entry into the United States, or has in his possession a distinctive paper which has been adopted by the Attorney General or the Commissioner of the Immigration and Naturalization Service for the printing of such visas, permits, or documents; or

Whoever, when applying for an immigrant or nonimmigrant visa, permit, or other document required for entry into the United States, or for admission to the United States personates another, or falsely appears in the name of a deceased individual, or evades or attempts to evade the immigration laws by appearing under an assumed or fictitious name without disclosing his true identity, or sells or otherwise disposes of, or offers to sell or otherwise dispose of, or utters, such visa, permit, or other document, to any person not authorized by law to receive such document; or

Whoever knowingly makes under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document which contains any such false statement or which fails to contain any reasonable basis in law or fact—

Shall be fined under this title or imprisoned not more than 25 years (if the offense was committed to facilitate an act of international ter-

rorism (as defined in section 2331 of this title)), 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title)), 10 years (in the case of the first or second such offense, if the offense was not committed to facilitate such an act of international terrorism or a drug trafficking crime), or 15 years (in the case of any other offense), or both.

(b) Whoever uses—

(1) an identification document, knowing (or having reason to know) that the document was not issued lawfully for the use of the possessor,

(2) an identification document knowing (or having reason to know) that the document is false, or

(3) a false attestation,

for the purpose of satisfying a requirement of section 274A(b) of the Immigration and Nationality Act, shall be fined under this title, imprisoned not more than 5 years, or both.

(c) This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a subdivision of a State, or of an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (18 U.S.C. note prec. 3481).¹ For purposes of this section, the term “State” means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(June 25, 1948, ch. 645, 62 Stat. 771; June 27, 1952, ch. 477, title IV, § 402(a), 66 Stat. 275; Pub. L. 94-550, § 5, Oct. 18, 1976, 90 Stat. 2535; Pub. L. 99-603, title I, § 103(a), Nov. 6, 1986, 100 Stat. 3380; Pub. L. 100-525, § 2(c), Oct. 24, 1988, 102 Stat. 2610; Pub. L. 101-647, title XXXV, § 3550, Nov. 29, 1990, 104 Stat. 4926; Pub. L. 103-322, title XIII, § 130009(a)(4), (5), title XXXIII, § 330011(p), Sept. 13, 1994, 108 Stat. 2030, 2145; Pub. L. 104-208, div. C, title II, §§ 211(a)(2), 214, Sept. 30, 1996, 110 Stat. 3009-569, 3009-572; Pub. L. 104-294, title VI, § 607(m), Oct. 11, 1996, 110 Stat. 3512; Pub. L. 107-273, div. B, title IV, § 4002(a)(3), Nov. 2, 2002, 116 Stat. 1806.)

HISTORICAL AND REVISION NOTES

Based on section 220 of title 8, U.S.C., 1940 ed., Aliens and Nationality (May 26, 1924, ch. 190, § 22, 43 Stat. 165).

Words “upon conviction thereof” were omitted as surplusage since punishment can be imposed only after a conviction.

Fine of \$10,000 was reduced to \$2,000 to conform with sections embracing offences of comparable gravity.

Minor changes were made in phraseology.

Editorial Notes

REFERENCES IN TEXT

The immigration laws, referred to in subsec. (a), are classified generally to Title 8, Aliens and Nationality. See also section 1101(a)(17) of Title 8.

Section 274A(b) of the Immigration and Nationality Act, referred to in subsec. (b), is classified to section 1324a(b) of Title 8.

Title V of the Organized Crime Control Act of 1970, referred to in subsec. (c), is title V of Pub. L. 91-452,

Oct. 15, 1970, 84 Stat. 933, which was set out as a note preceding section 3481 of this title, and was repealed by Pub. L. 98-473, title II, § 1209(b), Oct. 12, 1984, 98 Stat. 2163. See section 3521 et seq. of this title.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-273 substituted “to facilitate” for “to facility” in concluding par.

1996—Subsec. (a). Pub. L. 104-208 substituted “which contains any such false statement or which fails to contain any reasonable basis in law or fact” for “containing any such false statement” in fourth par. and “imprisoned not more than 25 years (if the offense was committed to facilitate an act of international terrorism (as defined in section 2331 of this title)), 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title)), 10 years (in the case of the first or second such offense, if the offense was not committed to facility such an act of international terrorism or a drug trafficking crime), or 15 years (in the case of any other offense)” for “imprisoned not more than 10 years” in concluding par.

Subsec. (c). Pub. L. 104-294 inserted at end “For purposes of this section, the term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.”

1994—Subsec. (a). Pub. L. 103-322, § 330011(p), amended directory language of Pub. L. 101-647, § 3550. See 1990 Amendment note below.

Pub. L. 103-322, § 130009(a)(4), substituted “10 years” for “five years” in concluding par.

Subsec. (b). Pub. L. 103-322, § 130009(a)(5), in concluding provisions, substituted “under this title, imprisoned not more than 5 years” for “in accordance with this title, or imprisoned not more than two years”.

1990—Subsec. (a). Pub. L. 101-647, § 3550, as amended by Pub. L. 103-322, § 330011(p), substituted “Shall be fined under this title” for “Shall be fined in accordance with this title” in concluding par.

1988—Pub. L. 100-525 amended Pub. L. 99-603. See 1986 Amendment note below.

1986—Pub. L. 99-603, as amended by Pub. L. 100-525, substituted “other documents” for “other entry documents” in section catchline, designated existing provisions as subsec. (a), substituted “permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States” for “or other document required for entry into the United States” and for “or document” in first par., substituted “in accordance with this title” for “not more than \$2,000” in concluding par., and added subsecs. (b) and (c).

1976—Pub. L. 94-550 inserted “, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, knowingly subscribes as true,” after “Whoever knowingly makes under oath” in fourth par.

1952—Act June 27, 1952, made section applicable to entry documents other than visas and permits.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by section 211(a)(2) of Pub. L. 104-208 applicable with respect to offenses occurring on or after Sept. 30, 1996, see section 211(c) of Pub. L. 104-208, set out as a note under section 1028 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-322, title XXXIII, § 330011(p), Sept. 13, 1994, 108 Stat. 2145, provided that the amendment made by that section is effective as of the date on which section 3550 of Pub. L. 101-647 took effect.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-525 effective as if included in enactment of Immigration Reform and Control Act

¹ See References in Text note below.

of 1986, Pub. L. 99-603, see section 2(s) of Pub. L. 100-525, set out as a note under section 1101 of Title 8, Aliens and Nationality.

ABOLITION OF IMMIGRATION AND NATURALIZATION
SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

Executive Documents

TRANSFER OF FUNCTIONS

Functions vested by law in Attorney General, Department of Justice, or any other officer or any agency of that Department, with respect to the inspection at regular inspection locations at ports of entry of persons, and documents of persons, entering or leaving the United States, were to have been transferred to Secretary of the Treasury by 1973 Reorg. Plan No. 2, § 2, eff. July 1, 1973, 38 F.R. 15932, 87 Stat. 1091, set out in the Appendix to Title 5, Government Organization and Employees. The transfer was negated by section 1(a)(1), (b) of Pub. L. 93-253, Mar. 16, 1974, 88 Stat. 50, which repealed section 2 of 1973 Reorg. Plan No. 2, eff. July 1, 1973.

§ 1547. Alternative imprisonment maximum for certain offenses

Notwithstanding any other provision of this title, the maximum term of imprisonment that may be imposed for an offense under this chapter (other than an offense under section 1545)—

- (1) if committed to facilitate a drug trafficking crime (as defined in 929(a)) is 15 years; and
- (2) if committed to facilitate an act of international terrorism (as defined in section 2331) is 20 years.

(Added Pub. L. 103-322, title XIII, § 130009(a)(6), Sept. 13, 1994, 108 Stat. 2030.)

**CHAPTER 77—PEONAGE, SLAVERY, AND
TRAFFICKING IN PERSONS**

Sec.	
1581.	Peonage; obstructing enforcement.
1582.	Vessels for slave trade.
1583.	Enticement into slavery.
1584.	Sale into involuntary servitude.
1585.	Seizure, detention, transportation or sale of slaves.
1586.	Service on vessels in slave trade.
1587.	Possession of slaves aboard vessel.
1588.	Transportation of slaves from United States.
1589.	Forced labor.
1590.	Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor.
1591.	Sex trafficking of children or by force, fraud, or coercion.
1592.	Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor.
1593.	Mandatory restitution.
1593A.	Benefitting financially from peonage, slavery, and trafficking in persons.
1594.	General provisions.
1595.	Civil remedy.
1595A.	Civil injunctions.
1596.	Additional jurisdiction in certain trafficking offenses.
1597.	Unlawful conduct with respect to immigration documents.

HISTORICAL AND REVISION NOTES

It was felt that further revision of this chapter should be considered at an opportune time for the same

reasons stated with respect to chapter 81, "Piracy and Privateering".

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-393, title II, § 201(b), Dec. 21, 2018, 132 Stat. 5267, added item 1595A.

2013—Pub. L. 113-4, title XII, § 1211(c)(2), Mar. 7, 2013, 127 Stat. 143, added item 1597.

2008—Pub. L. 110-457, title II, §§ 222(d)(2), 223(b), Dec. 23, 2008, 122 Stat. 5070, 5072, added items 1593A and 1596.

2003—Pub. L. 108-193, §§ 4(a)(4)(B), 5(c)(1), Dec. 19, 2003, 117 Stat. 2878, 2879, substituted "PEONAGE, SLAVERY, AND TRAFFICKING IN PERSONS" for "PEONAGE AND SLAVERY" as chapter heading and added item 1595.

2000—Pub. L. 106-386, div. A, § 112(a)(3), Oct. 28, 2000, 114 Stat. 1489, added items 1589 to 1594.

1949—Act May 24, 1949, ch. 139, § 36, 63 Stat. 95, substituted a semicolon for comma after "Peonage" in item 1581.

§ 1581. Peonage; obstructing enforcement

(a) Whoever holds or returns any person to a condition of peonage, or arrests any person with the intent of placing him in or returning him to a condition of peonage, shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

(b) Whoever obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be liable to the penalties prescribed in subsection (a).

(June 25, 1948, ch. 645, 62 Stat. 772; Pub. L. 103-322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104-208, div. C, title II, § 218(a), Sept. 30, 1996, 110 Stat. 3009-573; Pub. L. 106-386, div. A, § 112(a)(1), Oct. 28, 2000, 114 Stat. 1486.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§ 444, 445 (Mar. 4, 1909, ch. 321, §§ 269, 270, 35 Stat. 1142).

Section consolidates sections 444 and 445 of said title 18, U.S.C., 1940 ed., with changes in phraseology to amplify and clarify their provisions.

Reference to persons causing or procuring was omitted as unnecessary in view of definition of "principal" in section 2 of this title.

Editorial Notes

AMENDMENTS

2000—Subsec. (a). Pub. L. 106-386 substituted "20 years" for "10 years" and inserted at end "If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both."

1996—Subsec. (a). Pub. L. 104-208 substituted "10 years" for "five years".

1994—Subsec. (a). Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$5,000".

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-208, div. C, title II, § 218(d), Sept. 30, 1996, 110 Stat. 3009-574, provided that: "This section [amend-